

DAVID NEWMAN & ASSOCIATES PC  
ATTORNEYS AT LAW

CENTENNIAL SQUARE

P. O. Box 2728

LA PLATA, MARYLAND 20646

(301) 934-6100

DAVID B. NEWMAN, JR.  
SUSAN C. EVANS

March 17, 1994

FACSIMILE  
(301) 934-5782

WASHINGTON, DC  
(202) 842-8400

BALTIMORE, MD  
(410) 752-1111

VIA FACSIMILE

Mr. H. Britton Sanderford, Jr.  
Ms. Erin Pierce  
Axonn Corporation  
101 West Robert E. Lee Boulevard  
Suite 202  
New Orleans, Louisiana 70124

Re: U.S. Patent Application  
For: WIRELESS ALARM SYSTEM  
Our Ref: AXNN15US

Dear Britton and Erin:

Enclosed is a decision we received from the U.S. Patent and Trademark Office, mailed March 14, 1994, in regard to our petition to revive the above referenced application under 37 C.F.R. 1.137(b). The petition was denied as having been filed more than one year after the date of abandonment based on a calculation of time from the original Office Action of May 7, 1992.

As noted in the enclosed decision, we may have relief under 37 C.F.R. 1.137(a), which provides for revival of an abandoned application "if it is shown to the satisfaction of the Commissioner that the delay was unavoidable." This is a rather high standard and requires the petitioner to show diligence between the time of becoming aware of the abandonment and the time of filing the petition to revive.

As you will remember, the subject application went abandoned as a result of our need to submit the declaration of James D. Arthur who, due to ongoing litigation with Axonn, refused to sign the necessary documents.

We are currently in the process of preparing a petition for revival under 37 C.F.R. 1.137(a) and will rely on the litigation with James D. Arthur as the basis for unavoidability. The petition under section (a) will also require a fee of \$110.00 and a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted equivalent to the period of abandonment.

EXHIBIT

DAVID NEWMAN & ASSOCIATES PC

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Ms. Erin Pierce  
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We will be forwarding the necessary documentation for execution as soon as possible. Call to discuss if you have questions or would like to pursue a different course of action.

With warm regards, I remain

Sincerely,

DAVID NEWMAN & ASSOCIATES P.C.

By: 

David B. Newman, Jr., Ph.D.

DBN:scb

Enclosure

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